

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8358 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DILHARSHANKAR CHITVANSHANKER BHACHECH

Versus

COMPETENT AUTHORITY AND ADDL. COLLECTOR (U.L.C.)

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Appearance:

MS MEGHA JANI for Petitioner

MR TH SOMPURA, AGP for the Respondents.

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 24/12/96

ORAL JUDGEMENT

Heard learned advocates for the parties. Rule returnable to day. Learned Assistant Government Pleader Mr. T. H. Sompura waives service of rule on behalf of the respondents.

2. Petitioner is the owner of the land bearing subplot No. 2 of Final Plot No.825 of Town Planning

Scheme No. 3, Ellisbridge, Ahmedabad. Said plot of land is claimed to be a constructed land. Construction is claimed to have been raised long before the commencement of the Urban Land [Ceiling & Regulation] Act, 1976 (hereinafter referred to as "the Act"). The competent authority considering the evidence on record, under its order dated 29th January, 1994, declared that the petitioner did not possess the excess vacant land. Said order made by the competent authority has been taken into revision by the Government under section 34 of the Act. On 22nd December, 1995, the Government has issued show cause notice against the petitioner, copy of which is annexed to the petition at Annexure-"A". Reply to the said show cause notice has been submitted by the petitioner on 17th August, 1996.

3. It is the grievance of the petitioner that though the petitioner has approached the authority for hearing of the show cause notice several times and though reply has been submitted as far back as in the month of August, 1996, the matter is not being processed by the respondents.

4. On the facts and in the circumstances of the case, the respondents are directed to process the show cause notice Annexure - "A" to the petition and decide the same in accordance with law within a period of two months from the date of the receipt of the copy of this order.

5. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

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